

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
CIVIL ACTION NO. 5:24-cv-00028-KDB-SCR**

FEDERAL TRADE COMMISSION

v.

NOVANT HEALTH, INC.

and

COMMUNITY HEALTH SYSTEMS, INC.,

Defendants.

**PLAINTIFF’S UNOPPOSED MOTION
TO FILE REPLY MEMORANDUM IN
SUPPORT OF PRELIMINARY
INJUNCTION AND EXHIBITS
UNDER SEAL**

Plaintiff Federal Trade Commission (“FTC” or “Commission”) respectfully move pursuant to Rule 6.1(c) of the Rules of Practice and Procedure of the United States District Court for the Western District of North Carolina to file its Reply Memorandum in Support of Preliminary Injunction and Exhibits under seal to provide Defendants and Third Parties the opportunity to seek appropriate longer-term protections from the Court for their confidential information contained with the materials filed.

Portions of the FTC’s Reply Memorandum in Support of Preliminary Injunction and attached Exhibits would disclose non-public information relating to Defendants’ and Third Parties’ business decisions and plans, finances, competitive strategies, and rate negotiations with health insurers, as well as quotations from documents about these subjects. Filing the FTC’s Reply Memorandum in Support of Preliminary Injunction and Exhibits under seal is necessary to provide Defendants and Third Parties with the opportunity to seek appropriate longer-term protections from the Court. *See* C.F.R. § 4.10(g).

The FTC will file a partly redacted version of its Reply Memorandum in Support of Preliminary Injunction on the public docket as well as an unredacted version filed under seal for review by the Court pursuant to Local Civil Rule 6.1(d). The FTC requests that the Court provide the Defendants and any other interested parties 21 days from the filing of this Motion, until May 6, 2024, to file submissions in support of or opposition to further maintaining redacted portions of the Complaint under seal pursuant to Local Civil Rule 6.1(e).

The FTC has conferred with Defendants prior to filing this Motion, and Defendants do not oppose the relief sought herein. The FTC has provided Defendants with notice of their respective information being filed under seal and will provide Defendants with a copy of any order the Court enters with respect to this Motion. A proposed order on the Motion will be submitted herewith.

Dated: April 15, 2024

Respectfully submitted,

/s/ Nathan Brenner

Nathan Brenner (Illinois Bar No. 6317564)

Cory Gordon

Christopher Harris

Karen H. Hunt

Kennan Khatib

Ryan Maddock

Louis Naiman

Jeanne L. Nichols

Nicolas Stebinger

Anusha Sunkara

Goldie Veronica Walker

Kurt D. Walters

Federal Trade Commission

600 Pennsylvania Avenue

Washington, DC 20580

Tel.: (202) 326-2314

Email: nbrenner@ftc.gov

*Attorneys for Plaintiff Federal Trade
Commission*